

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NANCY HAMMER,)
Plaintiff,)
)
v.) Civil Action No. 01-564
)
CARDIO MEDICAL PRODUCTS, INC.,)
Defendant.)

O R D E R

AND NOW, this 11th day of January, 2005, after the plaintiff filed an action in the above-captioned case, and after the defendant moved to dismiss the complaint for failure to prosecute, and after a Report and Recommendation was issued by the United States Magistrate Judge, and the parties were granted ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the plaintiff, as well as the defendant's response to those objections, and after independent review of the pleadings, and the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the defendant's motion to dismiss the complaint for failure to prosecute (Docket No. 92) is granted.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the F.R.App.P., if the plaintiff desires to appeal from this Order, she must do so within thirty (30) days by filing a

notice of appeal as provided by Rule 3 F.R.App.P.

William L. Sandusky

United States District Judge

cc: All Parties and Counsel of Record

Honorable Robert C. Mitchell
United States Magistrate Judge